

Exhibit 2

Defendant's Objections to Plaintiff's Trial Exhibits



TRUCKER SURVEY IDENTIFIES TOP PRACTICES IN FLEET SAFETY

SINCE 1996, LIBERTY MUTUAL HAS CONDUCTED AN ANNUAL TRUCKER SURVEY FOR CUSTOMERS IN FOR-HIRE AND PRIVATE TRUCKING OPERATIONS. THE SURVEY PROVIDES CUSTOMERS WITH BENCHMARKS AND DETAILS ABOUT FLEET SAFETY PROGRAMS THAT ALLOW THEM TO COMPARE THEIR COMPANIES' PROGRAMS AND RESULTS AGAINST THOSE OF OTHER COMPANIES. WITH THIS INFORMATION AND THE GUIDANCE OF LOSS PREVENTION CONSULTANTS, LIBERTY MUTUAL'S AUTO LIABILITY CUSTOMERS CAN WORK TO IMPROVE THE SAFETY OF THEIR DRIVERS' WORK ENVIRONMENT.

The 2003 Trucker Survey had an 86 percent return rate — high enough to provide valid benchmarks and ensure that the results reflected the majority of truckers. Liberty Mutual supplemented the survey data with loss data from its own internal system. By comparing responses received to crash frequency data, the insurer could determine whether a program element or practice was related to lower crash frequency, or was an element or practice that most of the truckers had in their fleet safety programs. This allowed the insurer to identify best and industry-accepted practices.

Each customer who responds to the Trucker Survey receives a report comparing their performance in five

categories to the performance of other trucking customers. The five categories are:

- Losses per million miles;
- Crashes with costs of \$1,000 or more per million miles;
- SafeStat Safety Evaluation Area (a website of the Federal Motor Carrier Safety Administration);
- Safer out of service violation percents; and
- Safety program features versus best and industry-accepted practices.

The reports, typically delivered in face-to-face meetings, allow Liberty Mutual to address issues that are unique to individual truckers and develop recommendations based on their needs.

Peter Van Dyne

BEST AND INDUSTRY-ACCEPTED PRACTICES

Liberty Mutual organizes best and industry-accepted practices by program area, which allows the insurer to address program features and improvement recommendations in a logical and understandable way. The five program areas are:

- **Employee Selection**

Driving Records: Driving record standards and the percent of drivers with clear driving records work together (clear is defined as no moving violations in three years, no majors in five years and no multiple major violations). The standard establishes the minimum acceptable driving record. If excessive numbers of drivers just meet the minimum standard, results will be below average. Companies with 70 percent or more clear driving records had a 30 percent lower median crash frequency.

Background Checks: Industry-accepted practice is to verify citizenship, request references from past employers, investigate work history gaps and conduct a criminal background check.

Road Tests: Industry-accepted practice is to use road tests. One group of responding companies has much more extensive road tests. These most commonly involve tests that take longer than two hours and involve the delivery of cargo. This group had a crash frequency that was 30 percent lower than the group with shorter road tests.

- **Safety Programs**

Governors:* Industry-accepted practice is to govern company equipment. Speeds ranged from the low 60s to the mid to upper 70s. Companies that set the governors below 70 had a 35 percent lower crash frequency. (**Governors are used to control maximum speed under power. They are set using electronic control modules.*)

Seat Belt Policies: Seat belt use is required in commercial motor vehicles. Companies that take an active role in establishing seat belt policies and enforcing them had a 50 percent lower crash frequency.

Charge Back: Around 30 percent of the companies indicate they hold drivers partially responsible for the costs of a crash. Most of the companies using charge backs tie them into incentive pay. The group using them had a crash rate that was close to 30 percent less. It is an industry-accepted practice to have a charge back for owner operators.

Cameras for Crash Scene Photos: It is industry-accepted practice to provide cameras. Insurance companies strongly recommend or require providing them. Only a few of the survey customers did not provide them.

Bad Weather Plans: Having formal plans to deal with bad weather is an industry-accepted practice. Companies with bad weather plans have much lower crash costs and crash frequencies.

Following Distance Policies:

Companies with following distance policies outnumbered those that did not have them by three to one. The vast majority of those with a following distance policy used six to eight seconds. Many stated that the policy indicates drivers should move slower than the flow of traffic in heavy traffic. Companies with following distance policies had a noticeably lower crash frequency.

Hours of Service Warnings:* It is an industry-accepted practice to issue warnings to dispatchers when drivers were placed out of service for hours of service violations. (**Part of the Federal Motor Carrier Safety Administration's regulations, hours of service are the maximum number of hours drivers can work daily and weekly.*)

Right-Side Fender Mirrors: Four times as many companies have right-side fender mirrors on trucks as those that do not have them.

Names and Phone Numbers on Trailers: Slightly more than half of the companies have their name and phone number on their equipment. The crash frequency for those that did not have them was slightly lower, but the crash costs per million miles for the group that did was substantially lower.

Incentive Programs: Companies using incentive programs outnumbered the ones not using them by four to one. The companies that use them had a slightly lower crash frequency; however, their median crash costs per million miles were 25 percent lower. Incentive programs must be used to reward performance and not make up for poor selection.

- Communication and Policy Enforcement

GPS (Global Positioning System):

Almost half of the companies have GPS. Companies with GPS had a median crash frequency that was 20 percent less than those that did not have GPS. Those not using GPS should plan for their installation.

ECM (Electronic Control Module):

Three companies indicated they download ECM data for every one that does not. Overall, there was little difference in the median crash frequency. However, the group that indicated they download ECM data when the vehicle is serviced, rather than after crashes or randomly, had a median crash frequency that was 30 percent less.

Weekly Safety Communication:

There was no significant difference in the number of companies that have weekly communication and those that do not. However, ones that have weekly communication had a median crash frequency 13 percent lower.

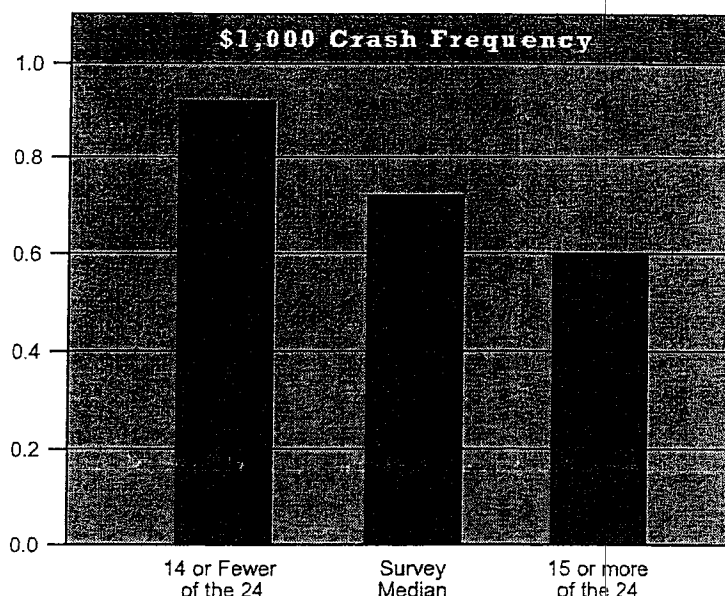
Sharing Costs with Managers:

Three times as many companies share crash cost information, making it an industry-accepted practice.

- Training

Skid Pan Training: The non-availability of skid pans limits their use. The group using them as part of their training program had a median crash frequency 40 percent lower than the group that does not use them. When skid pans are available, they should be used.

Mirror Check Stations: Mirror check stations are used to minimize blind areas on the sides of trucks. They help reduce sideswipe crashes. A majority of truckers have mirror check stations, which are easy to install and cost little to maintain. Training takes limited resources. Truckers that do not have them should install them.



In-Vehicle Training: Using in-vehicle training is an industry-accepted practice. The group that provides in-vehicle training for current drivers had a 20 percent lower median crash frequency.

Small Group Meetings: Those that use small group meetings outnumbered the companies that do not by three to one. Small group meetings allow discussion and interaction. Large group meetings tend to be presentations, which are not as effective. The most common meeting frequency was quarterly.

- Goals and Strategy

Selection is the Strongest Part of the Program: We asked each company, "What is the strongest part of your safety program?" When the selection of drivers is thought to be the strongest part of the safety program, the median crash frequency was 30 percent to 40 percent lower.

Knows Crash Rates and Sets Goals: Knowing crash rates and best practices allows companies to set reasonable goals and measure their programs in a meaningful way.

PRACTICES PRODUCE RESULTS

Do companies that use more of the best and industry-accepted practices have better results? The answer is yes.

Liberty Mutual compared truckers that used 15 or more of the 24 best and industry-accepted practices with those that used fewer than 15. The results show lower crash rates for those using more of the practices identified in the report.

Using more of the best and industry-accepted practices produces results. The key to getting and staying ahead is measuring truckers' programs regularly and staying up with changing technology. What was a best practice several years ago is now an industry-accepted practice.

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